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Dated: October 3, 2006

Signature

(Sharon M. Smith)

Docket No.: 9189 (A-947B)
01017/40451)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Brockhaus et al.

Application No.: 08/444,790

Filed: May 19, 1995

For: HUMAN TNF RECEPTOR



Art Unit: 1646

Examiner: Z. Howard

DECLARATION OF BIOLOGICAL CULTURE DEPOSIT
UNDER TERMS OF THE BUDAPEST TREATY

The undersigned attorney of record in the above-identified matter hereby declares that:

1. Vector pCD4-Hy1 was deposited at Deutschen Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ) in Braunschweig, FRG under No. DSM 5314 on April 21, 1989.

2. Vector pCD4-Hy3 was deposited at Deutschen Sammlung von Mikroorganismen und Zellkulturen GmbH (DSMZ) in Braunschweig, FRG under No. DSM 5314 on September 14, 1989.


3. The DSMZ is an official depository in accordance with the Budapest Treaty and affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longer. Applicants hereby affirm that should the vectors mutate, become non-viable or be inadvertently destroyed, Applicants will replace the vector(s) for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above identified application, whichever period is longer.

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4. With respect to the availability of each culture, Applicants affirm that the deposits have been made under conditions assuring of (a) ready accessibility thereto by the public if a patent is granted, whereby all restrictions on public availability of the deposited cultures will be irrevocably removed upon the granting of the patent, and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122.

Date October 3, 2006


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